

Appendix IV-1 Statutory Inspection Authorities

Program	Statute	Provision
AST Program	RSA 146-A:11	<p>... Inspection and enforcement employees of [DES] in their line of duty pursuant to RSA 146-A shall have the powers of a constable under RSA 104:9.</p> <p>RSA 104:9 - Constables shall ... have similar powers and be subject to similar liabilities in relation thereto as sheriffs.</p>
Asbestos Abatement	RSA 141-E:13, I	<p>For the purpose of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule adopted by the department of health and human services or the commissioner of environmental services, an authorized representative of the department of health and human services or commissioner of environmental services may, upon presentation of appropriate credentials and at any reasonable time: (a) Enter any asbestos abatement worksite; (b) Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter; (c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or (d) Request, inspect, and record information, or test results relating to the asbestos abatement activity.</p>
Dams	RSA 482:4, 12	<p>It shall be the duty of [DES] from time to time to cause all dams in the state which, by reason of their condition, height or location, may be a menace to the public safety to be inspected by competent engineers. ...</p>
Groundwater Protection	RSA 485-C:15	<p>[DES], any authorized representative, any authorized representative of any agency operating under a memorandum of agreement with [DES], or any town or city health officer may enter any land or establishment for the purpose of administering the provisions of this chapter, and shall at reasonable times have access to any facility subject to this chapter.</p>
Hazardous Waste	RSA 147-A:7, I	<p>For the purpose of determining compliance with this chapter, any rule adopted by [DES] relative to this chapter or any permit issued by [DES], an employee or an authorized representative of [DES] may, upon presentation of appropriate credentials and at any reasonable time: (a) Enter any hazardous waste facility; (b) Inspect, photograph, and obtain samples of any waste, including samples from containers or vehicles which [DES] has reason to believe contain hazardous wastes; and (c) Inspect and copy any records, information or test results relating to wastes.</p>

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Marine Toilets	RSA 487:8	All boats located upon waters of this state shall be subject to inspection by [DES] or any lawfully designated agent or inspector of [DES] at any time from the purpose of determining whether such boat is equipped in compliance with this chapter. The members of [DES], its agents and inspectors, for these purposes shall have all the powers of a deputy sheriff throughout the state.
Open Burning	RSA 125-C:6, VII	In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties: ... VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. ...
Public Bathing Facilities	RSA 485-A:18, I RSA 485-A:26, II	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee. [DES] may take samples of the water of any such [public bathing] facility for analysis to determine compliance with water quality requirements. The costs of such sampling and analysis shall be paid by the owner or operator of such facility. ... Any municipality which establishes a program of sampling and analysis which is equivalent to [DES's] program shall not be subject to additional sampling and analysis by [DES].
Public Water Supplies	RSA 485-A:41, I and V	[DES] shall: I. Monitor the operation and maintenance of new and existing public water systems. ... V. Enter, and authorize its employees and agents to enter, the premises of all public water systems for the purpose of carrying out inspection <i>[sic]</i> and for the purpose of taking water samples, to determine compliance with the provisions of this chapter or rules adopted under it, and to inspect any and all records and facilities of such public water supply in order to determine compliance with this chapter and rules adopted under it.
Septage/Sludge Management	RSA 485-A:18, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee.

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Shoreland Protection	RSA 483-B:5, II	The commissioner or his designee may, for cause, enter upon any land or parcel at any reasonable time to perform oversight and enforcement duties provided for in this chapter.
Site Specific (Terrain Alteration/ Erosion Control)	RSA 485-A:18, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee.
Solid Waste	RSA 149-M:6,IV	[DES] shall have the responsibility and authority to: ... IV. Enter, at all reasonable times, in or upon any private or public property, except private residences, to: (a) Inspect any facility; or (b) Investigate any condition which is believed to be in violation either of this chapter or of any of the rules adopted or orders issued under it, or which presents a substantial threat to human health or the environment.
Stationary Sources (Air)	RSA 125-C:6, VII and XI	In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties: ... VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. ... XI. Conducting emission tests and requiring owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the commissioner on the nature and amounts of emissions from such stationary sources. ...
Subsurface Systems (Subdivisions, Septic Systems)	RSA 485-A:18, I RSA 485-A:29, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee. ... The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of [DES]. ...

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Subsurface Systems (Subdivisions, Septic Systems) (cont'd)	RSA 485-A:37	... [DES] or its duly authorized agents are authorized to enter any and all premises at all reasonable hours for the purpose of inspecting and evaluating the maintenance and operating conditions of subsurface sewage or waste disposal facilities. ...
Surface Water Discharge (NPDES, including Industrial Pretreatment)	RSA 485-A:18, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee.
UST Program	RSA 146-C:5, III	For the purpose of developing or assisting in the development of any rule, conducting any study or investigation, instituting corrective or remedial measures, or enforcing the provisions of this chapter, [DES] employees or authorized representatives may, upon the presentation of appropriate credentials: (a) Enter at reasonable times any site where a facility regulated under this chapter is located. (b) Inspect and obtain samples from any person or any regulated substances in such facility. (c) Conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or groundwater. (d) Institute corrective or remedial measures.
Vapor Recovery (Stage I/Stage II)	RSA 125-C:6,VII and XI	In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties: ... VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. ... XI. Conducting emission tests and requiring owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the commissioner on the nature and amounts of emissions from such stationary sources. ...
Wetlands	RSA 482-A:6, II	To perform its duties under this chapter, it shall be lawful for [DES], its agents or employees to enter upon any lands in the state.
Winnepesaukee River Basin WWTF (Pretreatment)	RSA 485-A:18, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee.

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Program	Statute	Provision
Youth Camps	RSA 485-A:18, I	Any authorized member or agent of [DES] may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes of this chapter and no owner of such establishment shall refuse to admit any such member or employee.